

The New York Public Library
Stephen A. Schwarzman Building
Manuscripts and Archives Division

Guide to the

Hemingway legal files collection

1899-1971 (bulk 1935-1960)

MssCol 18572

Compiled by Philip Heslip, September 2011

Summary

Creator: Rice, Alfred, 1907-1989

Title: Hemingway legal files collection, 1899-1971 (bulk 1935-1960)

Size: 3.15 linear feet (8 boxes)

Source: Purchased from Glen Horowitz Bookseller Inc., 2011

Abstract: The Hemingway Legal Files collection contains the records of Hemingway's lawyers Maurice J. Speiser (1929-1948) and Alfred Rice (1947-1969). The papers include letters, contracts, and documents concerning foreign and domestic licensing of Hemingway's work for stage, ballet, radio, film, and television; litigation concerning the use of his writings and libel cases; and the management of Hemingway's estate (both property and literary) before and after his death. The collection contains 26 letters and telegraphs written by Hemingway, some autographed, in which he discussed legal matters and occasionally provided updates on writing progress, travel, and other personal news.

Access: Advance notice required. Apply at <http://www.nypl.org/mssref>.

Copyright information: Copyright retained by any document's creator. For more information on permissions for Hemingway material, visit the Hemingway Society's website: <http://hemingwaysociety.org/Default.aspx?content=permissions.txt>

Preferred citation: Hemingway legal files collection, Manuscripts and Archives Division, The New York Public Library

Custodial history

The dealer, Glen Horowitz Bookseller Inc., received the collection directly from a decedent of one of the law partners who worked for Hemingway.

Processing note

The collection maintains its original arrangement as order by Alfred Rice's law firm.

Related collections

Crowell-Collier Publishing Company records, 1931-1955. New York Public Library Archives. Contains 10 letters from Hemingway (1939-1940)

Ernest Hemingway collection.Harry Ransom Humanities Research Center.<http://www.lib.utexas.edu/taro/uthrc/00056/hrc-00056.html/>

Ernest Hemingway collection.John F. Kennedy Presidential Library

Genevieve Taggard Papers.New York Public Library Archives

Ralph Thompson Papers.New York Public Library Archives

Richard John Levy and Sally Waldman Sweet Collection.New York Public Library Archives

Ruth and Hermann Vollmer Collection.New York Public Library Archives

Speiser and Easterling-Hallman Collection of Ernest Hemingway.South Caroliniana Library

The New Yorker collection.New York Public Library Archives

Creator history

American writer Ernest Miller Hemingway (1899-1961) was born in Oak Park, Illinois, to Clarence Edmonds Hemingway and Grace Hall. After high school, Hemingway worked briefly as a reporter for the Kansas City Star, before joining the Red Cross as an ambulance driver on the Italian war front during World War I. There, Hemingway suffered injuries to his legs and spent six months in a Red Cross hospital in Milan. Upon recovery, he returned the United States and was hired as a foreign correspondent in France for the Toronto Star. In 1921, Hemingway married Elizabeth Hadley Richardson (1891-1979), the first of his four wives. In Paris, Hemingway became friends with Gertrude Stein and many other important writers and artists of the age. He published his first book, *Three Stories and Ten Poems*, in 1923, and his first novel, *The Sun Also Rises*, in 1926.

Hadley divorced Hemingway in January 1927, and in May of that year, Hemingway married Pauline Pfeiffer (1895-1951). The couple moved from Paris to Key West, Florida, in early 1928, and in September, Hemingway saw the publication of *A Farewell to Arms*. While living in Key West, Hemingway took hunting trips to Wyoming, Kenya, and Tanganyika; sailed in the Caribbean; and traveled in France and Spain. He published *To Have and Have Not* in 1937, and in October of that year, *Time* magazine featured him on their cover.

Hemingway reported on the Spanish Civil War throughout 1937 and 1938, during which time he met journalist Martha Gellhorn (1909-1998). He separated from Pfeiffer in 1939 and lived with Gellhorn in a house called "Finca Vigia" near Havana, Cuba; they were married in December 1940. In Cuba, Hemmingway wrote *For Whom the Bell Tolls*, published in October 1940. He spent much of World War II in Europe, and was present at the liberation of Paris and the Battle of the Bulge. At the end of the war, Hemingway traveled to England where he met *Time* magazine correspondent Mary Welsh Monks. He and Gellhorn divorced and Hemingway quickly married Welsh. In 1951, He wrote *The Old Man and the Sea*, which won the 1952 Pulitzer Prize. By this time he had cemented his status as on of the most important and popular writers of his time. His works were in constant demand for publication, translation, and adaptation for radio, television, and film. He received the Nobel Prize for literature in 1954.

Throughout the 1950s, Hemingway suffered several traumatic injuries from two plane crashes and burns from a brush fire. In chronic pain and afflicted by hypertension, high blood pressure, and liver damage, Hemingway drank heavily and his health deteriorated further. He returned to Cuba in 1957, where he wrote his memoir *A Moveable Feast*. Two years later, he and Mary moved to Ketchum, Idaho. After two extended sessions of electroconvulsive therapy, he committed suicide at his Idaho home, on July 2, 1961. He left the bulk of his estate to his widow Mary.

Hemingway had three sons: John Hadley (1923-2000) with Elizabeth Hadley Richardson, Patrick (born 1928) and George (1931-2001) with Pauline Pfeiffer.

Philadelphia based lawyer Maurice J. Speiser (1880-1948) worked as Ernest Hemingway's lawyer between 1929 and Speiser's death in 1948. Speiser specialized in legal cases involving writers, musicians, and artists.

Manhattan copyright lawyer Alfred Rice (1907-1989) represented Hemingway between 1945 and Hemingway's death in 1961. After Hemingway's death, Rice represented Mary Hemingway and the remaining estate until 1969.

Scope and content note

The Hemingway Legal Files collection contains the records of Hemingway's lawyers Maurice J. Speiser (1929-1948) and Alfred Rice (1947-1969). The papers include letters, contracts, and documents concerning foreign and domestic licensing of Hemingway's work for stage, ballet, radio, film, and television; litigations concerning the use of his writings and libel cases; and the management of Hemingway's estate (both property and literary) before and after his death. Present throughout the collection are 27 letters and telegraphs (mostly carbon copies or typed copies) from Hemingway to his lawyers, letters to his family concerning his estate and legacy, and two bank deposit books in Hemingway's hand. In his communications with his lawyers, Hemingway expressed his thoughts on licensing material for adaptation and asked questions on international copyright and libel laws. He occasionally provided updates on writing progress and news on travel and other personal activities.

Key terms

Subjects

Authors, American -- 20th century.
Copyright -- Motion pictures -- United States.
Copyright licenses.
Film adaptations.
For whom the bell tolls (Motion picture)
Radio adaptations.
Television adaptations.

Occupations

Lawyers.

Names

Charles Scribner's Sons.
Hemingway Family.
Hemingway, Ernest., 1899-1961.
Hemingway, Mary Welsh, 1908-
Rice, Alfred, 1907-1989
Speiser, Maurice J. (Maurice Joseph), b. 1880.

Special formats

Legal documents
Correspondence
Photographs
Wills

Container list

Series I: Legal Rights and Permissions Requests, 1930-1971 (4 boxes)

The Legal Rights and Permissions Requests series contains Hemingway's legal dealings with domestic and foreign movie, television, radio, recordings for the blind, stage, and publishing companies. Hemmingway received a barrage of requests to publish and adapt his novels and short stories. Without a literary agent, his publisher, Charles Scribner's Sons, filtered these requests directly through Hemingway's lawyers Maurice J. Speiser (from 1929 to 1948) and Alfred Rice (from 1945-1969). Much of the materials are retained carbon copy responses from the lawyers to rights requests and re-typed copies of Hemingway's letters. These document contract negotiations for 22 of Hemingway's short stories and novels.

Among the prominent adaptations documented are Paramount Pictures' *For Whom the Bell Tolls* (1943), Twentieth Century Fox's *The Snows of Kilimanjaro* (1952), Warner Brother's *The Old Man and the Sea* (1958), and a CBS television production of *For Whom the Bell Tolls* (1959). Also of note are communications regarding the aborted Ernest Hemingway Theatre television series, proposed in 1955 by Republic Pictures, which planned to create 39 episodes based on Hemingway short stories. Additionally, Speiser and Rice communicated with Columbia Pictures, MCA, MGM, RKO, and Universal Pictures, along with various magazine and anthology publishers. International business included rights permissions for companies in Australia, Canada, Czechoslovakia, Denmark, England, Finland, France, Germany, Israel, Luxembourg, Mexico, New Zealand, Poland, and Sweden. Of note is a folder of letters to the editor of *Cosmopolitan* magazine both praising and disparaging Hemingway's writing, with one letter impugning his character and morality.

The Estate series contains some additional rights and permissions dealings, managed by Hemingway's executors.

"Death in the Afternoon", 1932-1935

b.1 f.1 Film, 1932-1933

b.1 f.2 Dance, 1935

b.1 f.3 *To Have and Have Not* - Film, 1937-1938

For Whom the Bell Tolls, 1940-1960

b.1 f.4-8 Film, 1940-1941

b.1 f.9 Radio, Television, Theater, and Publication, 1948-1960

b.2 f.1 Radio, Television, Theater, and Publication, 1948-1960

b.2 f.2 *For Whom the Bell Tolls* and *Sun Also Rises* - Publication Mexico, 1942

A Farewell to Arms, 1940-1958

b.2 f.3 Radio, 1940-1941

b.2 f.4 Film, 1947-1958

b.2 f.5 Publication, 1942-1943

b.2 f.6 Film-play, and Publication Rights for "Clark's Fork Valley, Wyoming, 1942

b.2 f.7 *Men at War* - Publication, 1942

"The Fifth Column", 1943-1960

b.2 f.8-10 Theater, 1943-1945

b.2 f.11 Radio, 1949-1960

"The Short Happy Life of Francis Macomber", 1942-1954

b.2 f.12 Film, 1945-1946

Series I: Legal Rights and Permissions Reques... (cont.)

"The Short Happy Life of Francis Macombe..." (cont.)

- b.2 f.13 Radio, 1947-1954
- b.2 f.14-18 Publication, 1942-1947
 - "The Snows of Kilimanjaro", 1942-1956
- b.2 f.19 Film, 1945-1946
- b.2 f.20 Publication, 1942-1944
- b.2 f.21 Publication, Radio, and Theater, 1953-1956
- b.2 f.22 *Across the River and Into the Trees*, 1950
 - "The Great Blue River" - Publication, 1951
- b.2 f.22 Publication, 1950
- b.3 f.1 Readers' Comments, 1950
- b.3 f.3 "After the Storm" - Publication, 1952-1954
- b.3 f.4 "Hills Like White Elephants" - Publication, 1953
- b.3 f.5 "The Christmas Gift" - Publication, 1954
- b.3 f.6 "The Dangerous Summer" - Publication, 1960-1968
- b.3 f.7-8 "The Killers" - Theater, Radio, Television, and Film, 1945-1957
- b.3 f.9 "In Our Time" - Film, 1930-1943
- b.3 f.10 "On the Blue Water" - Publication, 1946-1947
- b.3 f.11 "The Undefeated" - Publication, 1953
- b.3 f.12-13 "The Spanish Earth" - Publication and Film, 1937-1941
- b.3 f.14 "Fifty Grand" - Television and Radio, 1946-1956
- b.3 f.15-16 "Nobody Ever Dies" - Film and Publication, 1939, 1959
- b.3 f.17 "Wine in Wyoming" - Publication, 1944-1950
- b.3 f.18-19 "The Light of the World" - Publication, 1947
 - "The Big Two-Hearted River", 1947, 1955-1960
- b.3 f.20 Publication, 1947
- b.3 f.21 Radio, 1955-1960
- Anthologies, 1944-1956
- b.3 f.22 Miscellaneous Requests - USA, 1944-1955
- b.3 f.23 Miscellaneous Requests - Foreign, 1948-1956
- b.3 f.24 Chinese, 1947
- Magazine Requests, 1941-1960
- b.3 f.25 "PM Articles - foreign syndication", 1941
- b.3 f.26 Miscellaneous Foreign, 1948-1960
- b.3 f.27 "Hellinger - Magazine Stories," *Esquire*, 1947
- b.3 f.28 Miscellaneous, 1945-1949, 1945-1949
- Radio Requests, 1930-1961
- b.4 f.1 Miscellaneous - USA, 1946-1953
- b.4 f.2 Miscellaneous - Foreign, 1948-1961
- b.4 f.3 No Royalty Colleges, etc., 1930-1956

Series I: Legal Rights and Permissions Reques... (cont.)

Radio Requests (cont.)

b.4 f.4 Permission to Dept. of State for radio broadcasts, 1946-1952

Recording Requests, 1955-1971

b.4 f.5 Miscellaneous, 1955-1963

b.4 f.6 For Blind - Braille, 1959-1971

Television, 1950-1960

b.4 f.7 Ford Foundation-Television, 1953-1954

b.4 f.8 Offers, 1950-1956

b.4 f.9 Offers, 1955-1960

Rights Requests, 1950-1969

b.4 f.10 Miscellaneous - Domestic, 1955-1957

b.4 f.11 Miscellaneous - Foreign, 1950-1969

b.5 f.1 Miscellaneous - French, 1950-1958

b.5 f.2 Foreign, Crossroads Requests Czechoslovakia, 1959

b.5 f.3 Foreign, Radio and Television, Poland, 1960-1963

b.5 f.4 Foreign, Two Stories in Atlantic, Denmark, 1956-1958

Series II: Litigation, 1939-1956 (1 box)

The Litigation series documents Hemingway's legal conflicts concerning copyright, international piracy, and libel, as well as Hemingway's testimonies given in court cases. The copyright and piracy cases relate to the unauthorized publication of translations of Hemingway works overseas. These include suits in Argentina, India, Italy, the Netherlands, and Russia. Libel cases were both against and on behalf of Hemingway. Of note is a series of letters between Hemingway and Speiser concerning a possible Canadian libel suit over "The Snow of Kilimanjaro." The complaint came from the widow of Canadian air force pilot Lieutenant Colonel William Barker, who is briefly mentioned in the short story. Hemingway heard of Barker's murderous escapades from several Canadian aviators who were present at the incident. Also of interest is Hemingway's testimony for the case *Easton vs. 20th Century Fox* fought over Alfred Hitchcock's movie *Lifeboat* (1947). This file includes a copy of Hitchcock's telegram asking Hemingway to write the script for the movie.

b.5 f.5 *Hemingway and Stallings v. Hollywood Play, Inc.*, 1939 (re: *Farewell to Arms*)

b.5 f.6 Houghton-Mifflin Libel suit, 1941 (re: Edmund Wilson article)

b.5 f.7 Hemingway Canadian Libel suit, 1942 (re: "The Snows of Kilimanjaro")

b.5 f.8-12 Piracy suits, 1942-1956

b.5 f.13 *Ernest Hemingway vs. Wood*, 1943 (re: *For Whom the Bells Tolls*)

b.5 f.14 *Ernest Hemingway vs. Lux Theatre*, 1945 (re: *For Whom the Bell Tolls*)

b.5 f.15 Hemingway's defense of Leonhard M. Kluitinger, 1946

b.5 f.16 *Easton vs. Twentieth Century Fox*, 1947

Hemingway testimony re: the film *Lifeboat*

Series III: Hemingway Estate, 1899-1969 (3 boxes)

The Hemingway Estate series consists of material concerning Hemingway's last will and testament, property deeds, inventories of possessions, assignment of copyrights, ownership of manuscripts, establishment of trusts for Hemingway's children, and estate issues after his death.

Much of the series centers on Hemingway's house and property, including an extensive library, in Cuba that had been seized by the Cuban Government. These files hold an official appraisal of the Cuban property, which consists of a detailed description and 6 photographs of the house and land; a room-by-room description of the contents of the house; a partial list of Hemingway's library left in Cuba; and tax claim documents submitted by Mary Hemingway to the federal government. Also of note are five photographs and various magazine clippings that Mary Hemingway sent to Rice depicting their home library. The images are largely undated but capture Hemingway and his family at his home in Cuba. One image shows Hemingway holding a fishing poll inside his house and another pictures Hemingway at his writing desk, with Mary on the couch in front of him. The photographs are accompanied by a letter from Mary Hemingway describing each picture. This file also contains a photograph of Hemingway's Idaho home (ca.1959). Other real estate records relate to properties in the Bahamas, Cuba, Florida, Idaho, Illinois, and Michigan.

The series contains the lawyer's copy of Hemingway's last will and testament, documents related to trusts set up for Hemingway's sons, and papers regarding the future custodianship of his writings. One such item is a letter, with Hemingway's signature, labeled: "Important To Be Opened In case of My Death," that ordered his executors to block any publications of his personal letters. These files also contain requests from magazine and book publishers from around the world inquiring on unpublished material, as well as from the Library of Congress, Houghton Library, and the Harry Ransom Center concerning the acquisition of Hemingway's letters and unpublished papers.

- b.6 f.1-6 Cuban Loss Claim, 1958-1969
 - b.6 f.7 General, 1961-1962
 - b.6 f.8 Estate Tax - State, 1960-1964
 - b.6 f.9 Correspondence, 1961-1962
- b.6 f.10 Charges Against Mary Hemingway's Legacy, 1961
 - Assets - Real Estate, 1899-1962
- b.6 f.11 Paris, 1961-1962
- b.7 f.1 Real Estate, 1899-1962
- b.7 f.2 Ancillary Proceedings, Idaho, 1961-1962
- b.7 f.3 Miscellaneous, 1956-1962
- b.7 f.4-5 Copyright Matters and Taxes, 1959-1965
 - b.7 f.6 Copyright Matters re: NBC Biography, 1958-1961
 - b.7 f.7 Correspondence re: Hemingway Works in Films, 1961
 - b.7 f.8 Claims and Property Transfers, 1961-1963
 - b.7 f.9 Trusts for Hemingway Sons, 1936-1962

Series III: Hemingway Estate (cont.)

- b.8 f.1-5 Trusts for Hemingway Sons, 1936-1962
- b.8 f.6 Powers of Attorney, 1961-1962
- b.8 f.7 Probate Proceeding, 1961
- b.8 f.8 Will and Letters, 1955-1959
- b.8 f.9 Will Copies, 1961
- b.8 f.10 Final Agreements of Will, 1961